

REMARKS

Entry of the amendments is respectfully requested. The amendments are believed to place the claims in condition for allowance or in better form for consideration on appeal, and do not require a new search by the Examiner. The amendments find support in the specification and claims as originally filed. For example, the amendments to claims 1 and 55 find support at pages 44-45 of the specification as filed. No new matter is introduced by way of the amendments to the claims.

Applicants acknowledge the withdrawal of the rejections of claims 1 and 27 under the judicially created doctrine of obviousness-type double patenting, and the withdrawal of the rejections of claims 1 and 27 under 35 U.S.C. § 103(a).

Claims 1, 27 and 53-61 are pending in the application and stand rejected under 35 U.S.C. § 112, first paragraph as the specification allegedly does not reasonably provide enablement commensurate with the scope of the claims. Applicants respectfully traverse this rejection.

The Rejections under 35 U.S.C. 112, first paragraph

Claims 1, 27 and 53-61 stand rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. Applicants respectfully submit that claims 1, 27 and 53-61 recite subject matter that is fully enabled by the specification.

Applicants note that the Examiner stated that the specification was enabling for "a conjugate comprising an antigen binding fragment of an IL-8 antibody modified by one or two polymer molecules wherein the conjugate of the antigen binding fragment binds IL-8 and comprises a light chain of SEQ ID NO:51 or a heavy chain of SEQ ID NO:60" (page 3, point 11 of the Office Action mailed December 22, 2003). As amended, claims 1 and 55 are directed to antibody fragment conjugates having an antigen binding site that binds human interleukin-8 (IL-8) and comprising a light chain of SEQ ID NO:51 or a heavy chain of SEQ ID NO:60. Applicants submit that such antibody fragment conjugates bind human IL-8, are modified by one or two polymer molecules, and comprise a light chain of SEQ ID NO:51 or a heavy chain of SEQ ID

NO:60, and thus fall within the subject matter said by the Examiner to be enabled by the specification. Claims 27 and 53-61, being dependent from claims 1 and 55, also include the same elements. Thus, applicants submit that the subject matter of the pending claims is enabled by the specification, and that the claims are commensurate in scope with the enablement provided.

Accordingly, Applicants respectfully submit that the rejections to claims 1, 27 and 53-61 are overcome.


CONCLUSION

Applicants respectfully submit that claims 1, 27, and 53-61 stand in condition for allowance, and request the reconsideration and the allowance of all claims.

Please charge any additional fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0091 NP.

Respectfully submitted,

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By: 
James A. Fox (Reg. No. 38,455)

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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